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January 4, 2022

VIA ECF

Hon. Ramon E. Reyes, Jr.
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Allstate Insurance Company, et al. v. Svetlana Khotenok, et al., 18-cv-05650 (FB)(RER)

Dear Judge Reyes:

We represent Plaintiffs in the above-referenced matter and write, respectfully, pursuant to Rule II(C) of Your Honor's Individual Rules, to request that the current deadline of January 11, 2022, to complete all discovery including depositions, be extended until 86 days from when there is a final determination of Plaintiffs' motion (Dkt. 129) to voluntarily dismiss this action against Defendant Mark Mirvis ("Mirvis") without prejudice pursuant to Fed. R. Civ. P. 41(a)(2) (the "Dismissal Motion"), including the resolution of any objections to this Court's Report and Recommendation. As set forth below, Plaintiffs submit that this request should be granted in order to conserve the Court's resources, as well as save the parties, non-party witnesses, and the parties' experts the time and costs involved in conducting further discovery that will become moot if the Dismissal Motion is granted.¹

Since the last stipulated extension was granted on August 19, 2021, Plaintiffs have tried unsuccessfully to settle this matter with Mirvis (who is the only remaining defendant in this action) and have since moved to voluntarily dismiss the action without prejudice.² Plaintiffs sought a

¹ Plaintiffs have reached out to counsel for Defendant Mirvis concerning this application, but at the time of its filing have not heard from counsel.

² This is the seventh request for an extension of the deadlines to complete discovery. Plaintiffs and counsel for Mirvis jointly moved to extend these deadlines on March 19, 2020 (Dkt. 90), which was granted by Docket Order entered on March 20, 2020, on September 16, 2020 (Dkt. 95), which was granted by Docket Order entered on September 21, 2020, on December 3, 2020 (Dkt. 110), which was granted by Docket Order entered on December 3, 2020, on February 3, 2021 (Dkt. 122), which was granted February 4, 2021, on May 11, 2021 (Dkt. 124), which was granted by Docket Order entered on May 12, 2021, and on August 19, 2021 (Dkt. 125), which was granted by Docket Order entered on August 19, 2021.

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settlement conference with the Court by letter motion filed on August 31, 2021 (Dkt. 126), which Mirvis opposed on September 2, 2021 (Dkt. 127). The Court granted Plaintiffs' application by Docket Order entered on September 7, 2021 and presided over a settlement conference with counsel for the parties held on October 14, 2021. The Court's Docket Order of October 14, 2021, noted that the case did not settle and directed that "[a]ll discovery including depositions will close on 1/11/2022."

Plaintiffs then promptly filed the Dismissal Motion on October 17, 2021 (Dkt. 129), eighty-six (86) days in advance of the deadline to complete all remaining discovery by January 11, 2022. By Docket Order entered on October 18, 2021, Judge Block referred the Dismissal Motion to Your Honor for determination. Mirvis submitted opposition (Dkt. 130), the Court conducted a conference on the Dismissal Motion on November 30, 2021, and the Court indicated that a written decision would be forthcoming (Minute Entry dated 11/30/2021). By order dated January 3, 2022, the Court granted Plaintiffs' request to bring the Dismissal Motion and directed Plaintiffs to file moving papers by January 24, 2022, with Mirvis' opposition due by February 14, 2022 and Plaintiffs' reply due by February 21, 2022.

Rather than repeating prior arguments, Plaintiffs firmly believe that they have established and will continue to establish an appropriate basis for the Dismissal Motion and that Defendant Mirvis has not provided and will not provide any basis for denying the motion. Plaintiffs make the instant application only because of the upcoming January 11th deadline.

In view of the foregoing, it is respectfully requested that the Court extend the current deadline of January 11, 2022, to complete all discovery including depositions until 86 days from when there is a final determination of Plaintiffs' Dismissal Motion, including the resolution of any objections to this Court's Report and Recommendation, or some other time-frame set by the Court. At that time, any further discovery in this action will be moot or, if necessary, the parties will diligently work to complete discovery within the timeframe that remained available when Plaintiffs filed their pre-motion request to bring the Dismissal Motion.

We thank the Court for its consideration of this request.

Respectfully submitted,

Morrison Mahoney, LLP

By: /s/ James A. McKenney
James A. McKenney

cc: All Counsel (Via ECF)